

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

ROBERT MORTENSEN and
LINDA MORTENSEN,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., ET AL,

Defendants.

*

*

*

*

*

*

CASE NO. 3:10-CV-00013 (CDL)

O R D E R

The Court previously granted Defendant Bank of America's ("BOA") Motion for Attorney's Fees and Expenses (ECF No. 73) and awarded attorney's fees and costs under Federal Rule of Civil Procedure 11 to be paid by Plaintiffs' counsel, Henry N. Portner ("Portner") and Kristine R. Tarrer, in the amount of \$19,001.06 and costs against Plaintiffs, Robert and Linda Mortensen, in the amount of \$4.30. *Mortensen v. Bank of Am., N.A.*, No. 3:10-CV-13 (CDL), 2012 WL 1424502, at *5 (M.D. Ga. Apr. 24, 2012). Portner filed a motion for reconsideration of the order of sanctions against counsel and request for oral argument (ECF No. 89). For the following reasons, Portner's motion (ECF No. 89) is denied.

As the Court previously explained when it denied Plaintiffs' earlier motion for reconsideration of the Court's

summary judgment order in favor of BOA,¹ the Eleventh Circuit has recognized that reconsideration is justified where there is: (1) new evidence; (2) an intervening change or development in controlling law; and (3) the need to correct the court's clear error or manifest injustice. *Bd. of Trs. of Bay Med. Ctr. v. Humana Military Healthcare Servs., Inc.*, 447 F.3d 1370, 1377 (11th Cir. 2006). The Court finds that counsel has failed to establish that the previous order should be reconsidered on any of these grounds, and therefore, the motion for reconsideration must be denied. This conclusion is so obvious from the present record that oral argument would not be helpful to the Court's resolution of the pending motion, and therefore, counsel's request for oral argument is also denied.

CONCLUSION

Based on the forgoing, Plaintiff's Motion for Reconsideration of Order for Sanctions Against Counsel and Request for Oral Argument (ECF No. 70) is denied.

IT IS SO ORDERED, this 4th day of May, 2012.

S/Clay D. Land

CLAY D. LAND

UNITED STATES DISTRICT JUDGE

¹ *Mortensen v. Bank of Am., N.A.*, No. 3:10-CV-13 (CDL), 2011 WL 6740742, at *1 (M.D. Ga. Dec. 23, 2011).